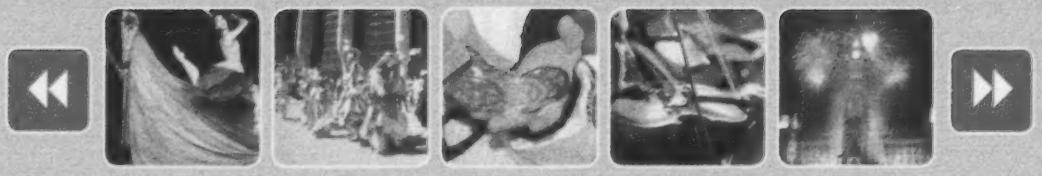
Canadian Heritage | Patrimoine canadien

Canada

Privacy Act

Annual Report

2013-2014



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This publication is available in PDF format
on the Internet at http://www.pch.gc.ca/eng/1312568647473

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Catalogue No. : CH1-1/2-2014E-PDF
ISSN : 1926-7819

Privacy Act

ANNUAL REPORT

(April 1, 2013 to March 31, 2014)

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Privacy Act

ANNUAL REPORT

(April 1, 2013 to March 31, 2014)

1.0 Introduction

Canadian Heritage is pleased to present to Parliament its annual report on the administration of the *Privacy Act* for fiscal year April 1, 2013 to March 31, 2014. Section 72 of the Act requires that the head of every federal government institution submit an annual report to Parliament on the administration of the Act during the fiscal year.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to their information. It also protects the privacy of individuals by exercising strict control over the collection, disclosure and use of such information.

Canadian Heritage is fully committed to both the spirit and the intent of the *Privacy Act*, which are based on the principles of open government and the assurance of privacy of individuals with respect to their personal information held by the Department.

2.0 Mandate of Canadian Heritage

The Department of Canadian Heritage and Canada's major national cultural institutions play a vital role in the cultural, civic and economic life of Canadians. We work together to support culture, the arts, heritage, official languages, citizenship and participation, in addition to Aboriginal, youth, and sport initiatives.

The Department of Canadian Heritage is responsible for programs and policies that help all Canadians participate in their shared cultural and civic life. The Department's legislative mandate is set out in the *Department of Canadian Heritage Act* and other statutes for which the Minister of Canadian Heritage and Official Languages is responsible and presents a wide-ranging list of responsibilities for the Minister under the heading of "Canadian identity and values, cultural development, and heritage."

The Department oversees numerous statutes, namely the *Broadcasting Act*, the *Copyright Act* and the *Investment Canada Act* (the latter two acts shared with Industry Canada), the *Official Languages Act* (Part VII), the *Museums Act*, the *Cultural Property Export and Import Act*, the *Status of the Artist Act*, and the *Physical Activity and Sport Act* (shared with Health Canada).

The Department of Canadian Heritage is specifically responsible for formulating and implementing cultural policies related to copyright, foreign investment and broadcasting, as well as policies related to arts, culture, heritage, official languages, sport, state ceremonial and protocol, and Canadian symbols. The Department's programs, delivered through Headquarters, and multiple points of service including five regional offices across the country, fund community and third-party organizations to promote the benefits of culture, identity, and sport for Canadians.

The Minister of Canadian Heritage and Official Languages, assisted by the Minister of State for Sport, is accountable to Parliament for the Department and the nineteen organizations that make up the Canadian Heritage Portfolio.

3.0 The Access to Information and Privacy Secretariat

The Access to Information and Privacy (ATIP) Secretariat is responsible for administering the *Privacy Act* within Canadian Heritage. Its mandate is to act on behalf of the Minister of Canadian Heritage in ensuring compliance with legislation, regulations and government policy and to create departmental directives, including standards, in all matters relating to the *Act*. The powers, duties and functions of the administration of the *Privacy Act* have been fully delegated by the Minister to the Director of the ATIP Secretariat.

During the reporting period, the Secretariat consisted of the following positions: Director, Deputy Director, six analysts, one project manager and two administrative support staff. In the departmental organizational structure, the ATIP Secretariat reports to the Corporate Secretariat for Canadian Heritage.

The activities of the ATIP Secretariat include:

- receiving and processing requests in accordance with the *Act*;
- promoting awareness of the *Act* within the Department;
- preparing the annual report to Parliament and the annual statistical report and maintaining the Department's *Info Source* chapter;
- monitoring departmental compliance with the *Act*; and
- providing professional advice and guidance to senior management and all departmental staff on the *Act*.
- assisting in the privacy impact assessment process and in creating or modifying personal information banks.

The ATIP Secretariat is continuously looking for new ways to incorporate Privacy to the appropriate departmental processes. During this reporting period, our partners in the Security office have included the notification of the ATIP Secretariat to their security incident investigations when personal information is involved.

4.0 Administration of Requests under the *Privacy Act*

4.1 Privacy Requests

Between April 1, 2013 and March 31, 2014, twelve formal requests for information were received under the *Privacy Act*. No requests for correction were received this fiscal year. See Appendix B for the Statistical Report on the *Privacy Act*.

4.2 Disposition of Completed Requests

Of the twelve requests completed during the reporting period, one resulted in full disclosure of information and six requests resulted in the partial disclosure of information. It was not possible to process three of the requests received as no records existed. Two requests were abandoned by the applicants.

4.3 Extensions

Requests can be extended beyond the 30-day statutory time frame in two circumstances. In three cases, the Department required a 30-day time extension to process a large amount of records.

4.4 Exemptions

The *Privacy Act* sets out specific exceptions to the right of access. These exceptions are known as exemptions. Each exemption is intended to protect information relating to a particular public or private interest and form the only basis for refusing access to personal information under the *Privacy Act*. In the processing of requests, one exemption to withhold information was invoked. Section 26 (personal information about another individual) was applied in six requests.

4.5 Complaints and Federal Court Cases

Two complaints regarding the processing of requests were filed with the Office of the Privacy Commissioner (OPC) against Canadian Heritage in the fiscal year. The reasons for the complaints were: use and disclosure (1) and access (1). The OPC completed their investigation into an access complaint on Canadian Heritage dating back to October 2011. Their finding concluded that the complaint was well founded and resolved. There were no Federal Court cases concerning the refusal of access.

4.6 Costs

The costs of $91,222, reported in the statistical report, include those incurred for the processing of requests, and for all other activities associated with the administration of the *Act* such as providing advice, and training and awareness.

5.0 Education and Training Activities

To increase the knowledge and understanding of the *Privacy Act* across the department, training and awareness sessions were delivered to departmental employees. These sessions provided basic information on the purpose and provisions of the *Privacy Act,* as well as the roles and responsibilities of departmental employees and the ATIP Secretariat.

The ATIP Secretariat has concentrated on marketing awareness services through existing departmental initiatives. Information sessions continued to be provided to new departmental staff and managers through the Canadian Heritage orientation program. This program provides an introduction to the key aspects of the Department including who and what we are and how we get things done. For sessions requested by branches, information was tailored to meet the specific needs of the branch concerned.

This reporting period, the ATIP Secretariat delivered 19 awareness sessions on the *Privacy Act* to departmental employees in the National Capital Region and regional offices. In total, 282 employees attended information sessions. Of particular note were sessions given to approximately 100 new employees as a result of the transfer of certain National Capital Commission programs to Canadian Heritage in October 2013.

The internal website for the ATIP Secretariat is a tool that is accessible to all departmental employees which describes the ATIP Secretariat's roles and responsibilities and provides information on the *Privacy Act* and related departmental policies and procedures.

6.0 Material Privacy Breaches

A Privacy Breach is deemed material if the breach involves sensitive personal information, could reasonably be expected to cause serious injury or harm to the individual, or involves a large number of affected individuals. This reporting period, the ATIP Secretariat was informed of two material privacy breaches. One was reported by way of a complaint with the Office of the Privacy Commissioner (OPC) further to an access request. It was determined that sensitive personal information regarding one individual had been sent to a departmental employee who was not authorized to receive it. The individual was notified of the complaint finding by the OPC. The second breach involved a third party program application that contained budget information, including estimated employee salaries for the proposed project. It was concluded that the information was destroyed and the individuals involved were not notified since notification would have required the collection of additional personal information.

7.0 Disclosure of Personal Information Pursuant to Paragraph 8(2)(m)

Subsection 8(2) of the *Privacy Act* stipulates under which circumstances personal information under the control of a government institution may be disclosed. Paragraph 8(2)(*m*) states that disclosure of personal information is permitted for any purpose where, in the opinion of the head of the institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or the disclosure would clearly benefit the individual to whom the information relates. During the reporting period, no disclosures were made pursuant to paragraph 8(2)(m) of the *Privacy Act*.

8.0 Privacy Impact Assessments

Forty-nine Privacy Impact Assessment Checklists were evaluated for new or changed programs or systems, two of which resulted in the recommendation of a privacy impact assessment (PIA). Additionally, the ATIP Secretariat drafted nineteen Privacy notices further to the analysis of Privacy Impact Assessment Checklists. During the reporting period, no PIAs were completed.

9.0 Reporting

The ATIP Secretariat met its reporting obligations for the reporting period, by providing timely input to *Info Source* and the publication of annual reports. The statistical report on the *Privacy Act* was provided to the Treasury Board Secretariat. Additionally, the Department's annual reports on the administration of the *Privacy Act* have been made available on the Internet site. Internally, the ATIP Secretariat monitored the time to process requests on a daily basis with the ATIP case management system, as well as bi-weekly through meetings between ATIP officers and ATIP Secretariat management.

Minister of Canadian Heritage
and Official Languages

Ministre du Patrimoine canadien
et des Langues officielles

Ottawa, Canada K1A 0M5

DELEGATION ORDER

Access to Information Act and Privacy Act

Pursuant to Section 73 of the *Access to Information Act* and the *Privacy Act*, I, as head of the Department of Canadian Heritage, hereby designate the persons holding the positions set out in the schedule hereto, or persons occupying on an acting basis those positions, to exercise my powers and functions under these Acts specified opposite each position.

This Delegation Order supersedes all previous
Access to Information Act and *Privacy Act* Delegation Orders.

The Honourable Shelly Glover
Minister of Canadian Heritage and Official Languages

JAN 3 0 2014

Date

Powers and functions delegated pursuant to Section 73 of the *Privacy Act* and *Privacy Regulations*

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	Description	1	2	3	4
Privacy Act					
8(2)(j)	Disclosure for research purposes	x	x	x	
8(2)(m)	Disclosure in the public interest or in the interest of the individual	x			
8(4)	Copies of requests under 8(2)(e) to be retained	x	x	x	
8(5)	Notice of disclosure under 8(2)(m)	x	x	x	
9(1)	Record of disclosures to be retained	x	x	x	
9(4)	Consistent uses	x	x	x	
10	Personal information to be included in personal information banks	x	x	x	
14	Notice where access requested	x	x	x	
15	Extension of time limits	x	x	x	x
17(2)(b)	Language of access	x	x	x	
17(3)(b)	Access to personal information in alternative format	x	x	x	
18(2)	Exemption (exempt bank) - Disclosure may be refused	x	x	x	
19(1)	Exemption - Personal information obtained in confidence	x	x	x	
19(2)	Exemption - Where authorized to disclose	x	x	x	
20	Exemption - Federal-provincial affairs	x	x	x	
21	Exemption - International affairs and defence	x	x	x	
22	Exemption - Law enforcement and investigation	x	x	x	
22.3	Exemption - *Public Servants Disclosure Protection Act*	x	x	x	
23	Exemption - Security clearances	x	x	x	
24	Exemption - Individuals sentenced for an offence	x	x	x	
25	Exemption - Safety of individuals	x	x	x	
26	Exemption - Information about another individual	x	x	x	
27	Exemption - Solicitor-client privilege	x	x	x	
28	Exemption - Medical record	x	x	x	
31	Notice of intention to investigate	x	x	x	

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	**Description**	**1**	**2**	**3**	**4**
Privacy Act					
33(2)	Right to make representation	x	x	x	
35(1)	Findings and recommendations of Privacy Commissioner (complaints)	x	x	x	
35(4)	Access to be given	x	x	x	
36(3)	Report of findings and recommendations (exempt banks)	x	x	x	
37(3)	Report of findings and recommendations (compliance review)	x	x	x	
51(2)(b)	Special rules for hearings	x	x	x	
51(3)	Ex parte representations	x	x	x	
72(1)	Report to Parliament	x	x	x	

Delegation		Position			
		DM	CS	ATIP/D	ATIP/DD
Section	Description	1	2	3	4
Privacy Regulations					
9	Reasonable facilities and time provided to examine personal information	x	x	x	
11(2)	Notification that correction to personal information has been made	x	x	x	
11(4)	Notification that correction to personal information has been refused	x	x	x	
13(1)	Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to release information to the requestor	x	x	x	
14	Disclosure of personal information relating to physical or mental health may be made to a requestor in the presence of a qualified medical practitioner or psychologist	x	x	x	

Legend:

DM	Deputy Minister
CS	Corporate Secretary
ATIP/D	Director, Access to Information and Privacy Secretariat
ATIP/DD	Deputy Director, Access to Information and Privacy Secretariat

Government of Canada / Gouvernement du Canada

Statistical Report on the *Privacy Act*

Name of institution: Canadian Heritage

Reporting period: 01/04/2013 to 31/03/2014

PART 1 – Requests under the *Privacy Act*

	Number of Requests
Received during reporting period	12
Outstanding from previous reporting period	2
Total	14
Closed during reporting period	12
Carried over to next reporting period	2

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	2	3	1	0	0	0	6
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	2	1	0	0	0	0	0	3
Request abandoned	2	0	0	0	0	0	0	2
Total	4	4	3	1	0	0	0	12

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	6
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	1	0	0
Disclosed in part	3	3	0
Total	4	3	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	1	1	1
Disclosed in part	6028	5584	6
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	2

2.5.2 Relevant pages processed and disclosed by size of requests

	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
Disposition	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed	Number of Requests	Pages disclosed
All disclosed	1	1	0	0	0	0	0	0	0	0
Disclosed in part	0	0	3	406	1	724	2	4454	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	2	0	0	0	0	0	0	0	0	0
Total	3	1	3	406	1	724	2	4454	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	0	0	0

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
1	0	0	0	1

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	1	1
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	1	1

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Disclosures under subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 – Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

PART 5 – Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	3	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	3	0	0	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	3	0	0	0
Total	3	0	0	0

PART 6 – Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 7 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 – Resources related to the *Privacy Act*

8.1 Costs

Expenditures		Amount
Salaries		$84,475
Overtime		$0
Goods and Services		$6,747
• Contracts for privacy impact assessments	$0	
• Professional services contracts	$0	
• Other	$6,747	
Total		**$91,222**

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.00	1.10	1.10
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	0.00	1.10	1.10

Appendix A

Completed Privacy Impact Assessments (PIAs)

Institution	Number of Completed PIAs
Canadian Heritage	0

Completion Time of Consultations on Cabinet Confidences under the PA - Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1,000 Pages Processed		1,001–5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Completion Time of Consultations on Cabinet Confidences under the PA - Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1,000 Pages Processed		1,001–5,000 Pages Processed		More Than 5,000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0